

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION**

SANDRA STUFFLEBEAM

PLAINTIFF

V.

1:04cv00021 JTR

JO ANNE B. BARNHART,
Commissioner, Social Security
Administration

DEFENDANT

ORDER

Pending before the Court is Plaintiff's Motion and Brief for Approval of Attorneys' Fees Pursuant to the Equal Access to Justice Act ("EAJA") (docket entry #13). Defendant has not responded. For the reasons set forth herein, the Motion will be granted.

On March 5, 2004, Plaintiff filed this action challenging the decision of an Administrative Law Judge ("ALJ") that denied her social security benefits (docket entry #2). On January 4, 2005, the Court entered a Memorandum and Order and Judgment (docket entries #11 and #12) that remanded the case to the ALJ pursuant to sentence four of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). .

On February 7, 2005, Plaintiff's attorney, Mr. David P. Rawls, filed a Motion and Brief for Approval of Attorneys' Fees Pursuant to the EAJA for 16.60 hours of work performed by him at a rate of \$125.00 an hour and \$67.82 in expenses. Defendant has not filed a Response objecting to the Motion, which has been pending for over six months, and the time for doing so has long since expired.

Under these circumstances, the Court concludes that Plaintiff is entitled to an award of fees and expenses under the EAJA and that the amount requested by Plaintiff's attorney is reasonable.

Accordingly, Plaintiff's attorney shall receive a total award of \$2,142.82, which includes \$2,075.00 in attorney's fees and \$67.82 in expenses.

IT IS THEREFORE ORDERED that Plaintiff's Motion and Brief for Approval of Attorneys' Fees Pursuant to the EAJA (docket entry #13) is hereby GRANTED.

IT IS FURTHER ORDERED that the Commissioner shall certify and pay to Mr. David P. Rawls, attorney for Plaintiff, \$2,142.82, which has been awarded as fees and expenses pursuant to the EAJA.

DATED this 1st day of September, 2005.


UNITED STATES MAGISTRATE JUDGE